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THOMAS HOPKINS
EXECUTIVE DIRECTOR

Board Meeting Minutes – August 27, 2018 9:00 a.m.
One Ashburton Place, 21st Floor, Conference Room 3

Present Board Members:

- Walter White (WW)
- Andrew Bedar (AB)
- Jeff Dougan (JD)
- Ray Glazier (RG)
- Patricia Mendez, (PM)
- Harold Rhodes (HR)

Also in Attendance:

- John High, Assistant Legal Counsel (JH)
- Thomas Hopkins, Executive Director (TH)
- William Joyce, Compliance Officer (WJ)
- Karen Brann, Program Coordinator/Clerk for the Board (KB)

Board Members not in Attendance:

- Jane Hardin (JH)
- Dawn Guarriello (DG)
- David Johnson (DJ)

WW - HR, AB, PM, JD, RG (RG arrived late)

The Chair opened the meeting.

Incoming Case Review:

1) The Squealing Pig, 335 Commercial Street, Provincetown, V18-259

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Renovation of a restaurant. Install accessible entrance. Petitioner is seeking two variances

Deck that accommodates 19 seats has an external set of stairs. Not a large restaurant space.

Deck is on opposite side of the dining room. Spending on the project is \$300,000. Everyone needs to take the stairs to get to the deck. It would be helpful if petitioner provides diagram shows that a vertical lift cannot be put in, along with a site plan. If they replace stairs with a lift that all people can use.

Variance #1

HR motioned to continue and request additional information. AB Seconded, passed unanimously.

Variance #2 Bathrooms – The petitioner is seeking relief from having an accessible bathroom. Petitioner says there is an accessible bathroom at the visitor center across the street. Two small bathrooms in the restaurant.

HR motioned to continue to demonstrate how a unisex bath could be put installed..

AB seconded, passed unanimously.

2) Gibbs East Junior High School V17-156

On 8/24 Michael Burns Building Inspector, called regarding the final sign off on vertical wheel chair lift. Asking for a Temp. CO. Can't confirm that they build a fire rated shaft. Asking AAB for a letter in support of 30 day temp CO.

HR motioned to grant the Temporary Certificate of Occupancy for 30 days.

AB seconded, passed unanimously.

3) East Brookfield District Court, 544 East Main Street, East Brookfield, V18-260

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Court building. Seeking three variances.

#1- Door to judge chamber is one inch short.

PM motioned to Grant. AB seconded passed unanimously.

#2 – Egress stairs in jury room two inches short.

HR motioned to grant. AB seconded, passed unanimously.

#3- Two separate holding cell locations.

Not intended for long stays. Can't get fixture count

HR motioned to grant. PM Seconded, passed unanimously.

4) Matheson Property, 37, 45, 49 Wellington St, 87, 91 Murray Ave., 720 Main St, V18-261

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The petitioner is seeking four variances.

HR motioned to packet PM seconded, passed unanimously.

5) Service Road, Service Road and Mill Road, Sandwich, V18-262

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Pathway on a service road. Part of it is over 5%. Seeking relief for 800 ft. portion.

Would require extensive regrading. It will be 8%. Website and signage noting 8% location.

HR motioned to grant with the condition of appropriate signage and website noting the location of 8% grade. PM Seconded, passed unanimously.

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

6) Harbor Hill complex, 3, 4 & 8 Harbor Hill Rd, 37 Bradford Street Ext. Rd, Provincetown, V18-263

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Condo complex. Petitioner is seeking two variances.

#1 - Seeking relief for pathways on site. Many stairs due to grades.

HR Motioned to grant. AB seconded, passed unanimously.

RG ARRIVED

#2 – Lack of distribution of Group 2A.

AB Motioned to continue for more information and floorplan.

HR seconded, passed unanimously.

7) Sidewalk, 150-152 State Street, Boston, V18-264

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Linkage work. 20 feet of sidewalk 5- 6 %.

PM motioned to continue for drawings indicating compliant cross section of 5 foot wide.

RG seconded, passed unanimously.

8) Four Stories, 133 Marlborough Street, Boston, V18-265

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

PM recused herself from voting and left the room.

Basement of existing building. Seeking relief for no access. Opposed by BCIL.

HR motioned for plans AB seconded. PM abstained. Motion passed.

9) Kennedy Middle School, 165 Mill Street, Natick, V18-266

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

New school. The petitioner is seeking 3 variances for the auditorium. Supported by the Natick Commission.

#1 –

HR motioned to grant. AB seconded, passed unanimously.

#2 – Stairs on upper level.

Center handrail.

PM motioned to continue to investigate for a study on the center handrail.

RG Seconded, passed unanimously.

3# -

RG motioned to grant. PM seconded, passed unanimously.

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

10) Mixed-use, 438 Waverly Street, Framingham, V18-268

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Renovation. The petitioner is seeking relief for the slope.

The Board received emails from Karen Dempsey, Chair of the Framingham Commission and Mark Dempsey, Inspectional Service Department, City of Framingham, in favor of the variance request.

AB motioned to grant. PM seconded, passed unanimously.

11) Case House, 89 Wellesley Street, Weston, V18-269

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Renovation of an existing historic building used as a school. The petitioner will be adding an elevator. There is an elevator and compliant staircase. Seeking relief for handrails and nosings on grand staircase.

AB motioned to grant with the condition of providing a new carpet run and a wall side handrail.

PM seconded, passed unanimously.

12) Lost Shoe Brewing, 19 Weed Street, Marlborough, V18-270

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Renovation of a commercial building into a brewery. The petitioner is seeking three variances.

Proposing auto door opener

2- Site grades – proposing handrails and auto door.

Variances 1 and 2 - HR motioned to grant as proposed. PM seconded, passed unanimously.

3 – Bathrooms are proposed to have in swinging door.

PM motioned to continue for more information including a test drawing or explanation for the proposed in swinging door.

RG seconded, passed unanimously.

13) Douglas Park, 150 Camden Street, Boston, V18-271

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

New building and reconstructing of existing sidewalk. Cross slope of sidewalk on driveway.

44 apartment units.

PM motioned to grant. AB seconded, passed unanimously.

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

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14) Mass State Lottery Commission, 150 Mt. Vernon St, Suites 150 & 300, Boston, V18-272
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Bathroom stalls are noncompliant. 4 bathrooms. BCIL supports the variance with automatic door openers. Do outdoor openers exist for stall doors?

PM Motioned to continue for additional information on reversing the swing of the door and to see what variances might be needed and additional information on the location of the other accessible restrooms. HR seconded. Passed unanimously.

15) Evolve Fitness, 11 California Avenue, Framingham, V18-273
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Converting commercial space into a gym.
Small stalls, location of controls in showers. Mixing valve and shower spout.
Studio 2 and 3 on mezzanine, only 1 on ground floor.

RG motioned to deny. PM seconded, passed unanimously.

Bathroom issues

~~*PM motioned to confirm that the project is compliant regarding the restrooms and showers. HR seconded, passed unanimously.*~~

PM withdrew previous motion.

PM motioned on the bathrooms and showers, to notify the petitioner that the design is not compliant with 521 CMR. RG seconded passed unanimously. JD abstained. Motion passed.

JD left the room

16) Brattle Hall, 40 Brattle Street, Cambridge, V18-274
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Reno existing building, single use toilet room don't have the required headroom. At lowest point 48". Restaurant on two floors.

JD came back

HR motioned to continue and request new drawings and additional information on the bathrooms. PM seconded, JD abstained, motion passed.

*PM motioned to grant relief on the non-co-location of the two bathrooms.
AB seconded, JD abstained, motion passed.*

17) Barber Shop, 140A Lowell Street, Methuen, V18-275
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Conversion of commercial space into a barber shop. Entrance, seeks to use a portable ramp.
10 inches above grade. Spending is \$30,000. 500 sq. ft.

PM motioned to grant for this tenant only. HR seconded. RG abstained, motion passed.

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

18) Falmouth High School Athletic Field Complex, 874 Gifford Street, Falmouth, V18-276
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
New bleachers with press box, proposing vertical lift.

HR motioned to grant RG seconded, Passed unanimously

19) Walando Homes, 25, 31 Orlando St, 91, 93, 95, 97, 99, 101 Waldeck St, Boston, V18-277
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Renovation of multi building.

PM motioned to packet RG seconded, passed unanimously.

20) Administrative Discussion:

Corpus Christi, St. Bernard Parish, 1522 Washington Street, West Newton, V18-246
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
This case was packeted. The petitioner is seeking 8 variances.

1 – RG motioned to grant on the condition of portable assisted listening device and policy and signage of how to acquire the device, and approval of the device by the Board.

PM seconded, passed unanimously.

2 – HR motioned to deny. AB seconded, passed unanimously.

RG motioned to grant the use of a portable lift. PM seconded, passed unanimously.

3 part 1 - RG motioned to grant as proposed. HR seconded, passed unanimously.

3 Part 2 mezzanine RG motioned to grant as long as the mezzanine is not used for unique programs. PM seconded, passed unanimously.

~~4 – RG motioned to deny and have the petitioner make the door egress only~~
RG withdrew previous motion.

4 – Motioned to deny and request staff to speak with the petitioner regarding alternative compliance conditions. PM seconded, passed unanimously.

5 – HR motioned to grant on all doors except doors 111 and 112. PM seconded, passed unanimously.

6 – PM motion to grant on the condition of continuous handrail on one side. RG seconded, passed unanimously.

7 - RG motion to grant on the condition there are other outlets that are provided that are accessible. PM seconded, passed unanimously.

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Hearings

11:00 - Waverly Commuter Rail Station, 525 Trapelo Road, Belmont, C12-033, V13-076 –

Yearly Update to the Board

Exhibit #1 Hearing Package AAB 1- 23

Exhibit #2 Belmont Citizen article

Exhibit #3 MBTA PowerPoint Package

Monica Tibbits-Nutt, MBTA (MT)

Beth Larkin, MBTA, AGM for Capital Delivery (BL)

Samantha Silverberg, MBTA, Senior Director, Capital Planning (SS)

Laura Brelsford, MBTA, AGM System Wide Accessibility (LB)

Kathryn Quigley, MBTA, SWA Deputy Director (KQ)

All parties were sworn in by the Chair.

LB - This is our second presentation in response to the May 31 2016 decision.

A few highlights: Implementation of capital planning process. We have received some additional capital funding. Wallaston, Ruggles and 1 more elevator are under construction. Four elevators are fully renovated.

SS – Every year MBTA and MassDOT and boards update the capital plan to align with strategic priority. Went over funding. Capital Investment Plan (CIP) approved in June, \$8mill in the next 5 years. Impacts on conditions and priorities. This year the accessibility program was increased. We select projects based on criteria. We prioritize to have a balanced portfolio.

MT – We have a bridge between boards. Investing more into capital programs, accessibility and technology. Not moving at speed we like but continue to increase every year. We are not happy that all of our stations are not accessible. Excited to speed the process up.

Capital plan overview. Accessibility elements in all our CIP programs

As we select projects accessibility is a criteria. Accessibility improvements.

LB – at this point move project by project update.

Wollaston Station – last inaccessible station on red line. By this time next hope to have a ribbon cutting. It is currently under construction

BL – When we closed the station we do not stop service, we provided accessible busses to the lot.

LB – Ruggles – previously asked for a time variance. New elevator to the busway, new platforms in phase 1. Phase 2 will address path of travel and compliance issues, will follow within two years of phase 1.

Babcock, Pleasant ST, BU West and St. Paul – design has been finalized. We are waiting for right timing to construct super green line stations.

TH - I attended early meetings on the discussion . How did people decide on which to close?

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LB – The two will exist in-between all four stations. Will be merged. Platforms will be longer.

LB - Newton Highlands - Will be made fully accessible, design is still underway. Expand with an additional entrance.

Oak Grove – Design is underway. New elevator replacing two small ones. Design expected in the summer of 2019. We received additional funding.

Forest Hills – MassDOT overpass project triggered to upgrade orange line. We received a time variance to do this. Will be completed early next year or the end of this. We need to make upgrades.

Mansfield Station – Reconstruction of mini high detectable warnings paths of travel. Construction should be completed by summer 2019.

Chelsea – Station to be relocated and made fully accessible will connect to new Silver Line stop. Design finalized late summer.

Winchester – Will make fully accessible, design done by next summer. We don't have funding for construction. May change within priority.

BL - We will have resolution through CIP cycle next year.

JD- How does Winchester rank in ridership?

LB - Winchester lands in the middle.

Symphony station – in design phase. New contract implemented later this year.

Natick – In terms of ridership it is not accessible. Design is to build out platforms, elevator, ramps. Ramping up the design.

LB - Natick – we expect to have design done sooner. Potential third track, made changes for future plans.

LB – South Attleboro – Scaled back to address basic barriers, conversations are underway on stations near Attleboro. Not looking at a full upgrade until resolution on stations near.

Vertical access improvements- 4 units recently completed, 14 elevators under or near construction, 59 elevators in early stages.

Elevators at Andrews in a couple of weeks.

As those advance select whichwe have learned about replacement elevators don't want to bite off too much at once due to disruption in service.

We received additional money for design work for elevator program.

Bus stops – Bus stop survey is completed, put them in categories in regards to priority.

194 stops under design, 140 to be reconstructed in spring, in addition to resolving issues will look at next 1, 000 high priority stops. Will need to leverage relationships with cities and towns.

JD – What are the stops?

LB- They are the critical stops. – define as so in accessible they need to step up can't navigate steps.

Commuter rail study and green line studies wrapping up. Green line effort findings will be rolled into other conversations of modernizing green line.

Overall plan for transit infrastructure - goal is to catalog all barriers and develop a strategic plan for chipping away at them over the next 20 years.

We were able to secure funding for additional projects will walk you through.

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Hynes Station – Will make station fully accessible, working with a private developer, getting underway in the next several months.

Downtown crossing – Phase 2 will provide the connection between red and orange line connection accessible. A lot of questions if it is feasible. We feel that we hit on a design that is feasible and are entering a contract. Looking to start construction design start

BL -Final design early spring after determining feasibility.

LB - Found a location between Park Street and down town crossing to handle that connection.

Brookline Hills - town wanted to build an additional high school on other side of the track. Said they will pay for the upgrade.

TH - What is the design problem?

LB - Raising the platforms.

Wayfinding and Brightening - top 10 stations to be made over with new compliant signage and enhanced lighting to improve safety and accessibility.

They will receive better lighting, Park Street will be the first. Late this year.

Misc. station upgrades – PATI report – station by station upgradewe are setting up contracts to deal with particular issues. Detectable warning contracting, restroom improvement contract..... auto door opener contract. Will look system wide. We asked to set aside money to be replenished over time. Work through some of the key elements. Excited about tackling barriers. These are significant projects. There are other T projects. We are looking at 650,000,000 investment. Looking to move forward as soon as possible.

WW - Where is the money coming from?

SS – A mix of sources. 50 % is from federal grants, bonds, we can provide funding sources.

TH - In 8/15 letter I was happy to see you state that currently you don't anticipate variances from the board. I want to make sure you know staff is prepared to work with the T on short notice if variances are needed. It is an amazing amount of work. The evidence of variances in bus stop curb cut we are prepared to do it again.

LB - Variances were very helpful.

HR - You have a vision for the future. The only three items not fully funded areNatick, downtown, green line for entire program. Send us some information on when think will be funded.

SS – We revise CIP every year don't know when funding will be allocated. I know some are going to be proposed for this coming cycle.

HR – Does accessibility include all of 521 CRM?

RG –I am a Belmont resident asking what the outcome is for Waverly based on the article. They are confusing the ADA vs 521 in the article?

Where does Waverly stand in priority order?

LB - We are actively thinking about commuter rail stations in general. They are more expensive and there is a lot of long term talk about the commuter rail. If I look at the objective data Waverly is in the bottom two thirds, based on priorities, 15 stations away from Waverly being in the top 5. Hopefully I will have a better answer in a few months.

PM motioned to accept the Annual Update on MBTA Capital Accessibility Projects – 2018 Updates letter dated August 15, 2018. HR seconded, passed unanimously.

TH left for the day
Board broke for lunch

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Hearing

1:00 - The Caleb Spooner House, 22 Centre Street, New Bedford, V18-102, Variance Hearing

Exhibit #1 Hearing Package AAB 1-65

Exhibit #2 – Wording on sign, page on website, examples of work

Exhibit #3 – Letter from Mass Historic

Dora Milliki, Co-owner of building

Dudley Millikin, co-owner of building

The parties were sworn in by the Chair.

WW, RG, JD, PM, AB, HR

Dora M – I am the co- owner of the building and owner of the business. Here is an example of what the sign will look at. Zoning board said no more than three feet.

The sign will be out no more than 5 times a month. Gave examples of work. Will also have examples on the website but if people can't go on the website she will give people a book with samples.

Parking is a problem. The pop up shop will happen during events when people are already walking in the streets. It is loosely structured.

WW – It is not a full time business?

Dora – Correct. We live there part of the time.

Dudley M – Dora can use part of the house for the pop up shop. The variance allowed 5 times a month all year round but won't happen all months.

Dora – Summer 5times a month, fall down to 3 times a month, once a month in the winter.

We had to fire the architect. He got sick. He started stealing from us. We paid for things twice. We restored the house to make it last.

WW - Have you used this as a commercial business?

Dora – No

WW - Change in use, private to public use. Also accessed value. All was used when it was a residential use. You went to zoning board, any other work you are going to do on it? Does it have a historic register?

Dora – Yes. You can see it from all sides and the Whaling Museum.

JD - Seeking relief from generic information.

Dora – I apologize for the hearing request, I did not understand.

HR - Read about historic information in 521 CMR. Explain why the lack of accessibility.

Dora - Historic commission, raised stone foundation. It is right on the street, if I were to put on a ramp it will go into the middle of the street. If we were to do it on the side, it is a 10 feet wide driveway that is shared. The back of the house is raised.

Dudley – The back is out of the zoning variance. Not allowed to go through the living room.

HR – Are you saying if we were to put aside historic, is there any way to provide accessibility into the home?

Dora – I am going to say no. A lift would go on to the sidewalk.

JD - There are pretty good pictures of the house.

AB - The few times it is open if I want to visit if I am wheel chair bound I can't get in.

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Dora – I have brought work to people. My largest painting went to a man who I handicapped. If someone goes on my website or look at the book, I am more than happy to deliver to people.

AB - Is there a statement on your website?

Dora – Not at the moment but I can put information.

Dudley – Dora also thought that the book can be put outside and the book can be brought out.

AB – Do you have a letter from the historic commission? AB how about the mass historic commission?

PM - Would you consider making handrails compliant to the code?

Dora – I would consider it. It will have to go through the commission to see if they will accept it.

JD - These handrails may not have a historic significance.

WW - You could put a typical round handrail.

Dora – Will you do it on the side or the front?

WW - inside.....

WW - How wide is it?

JD - This is the way you will go in. People who don't use wheelchair but have other disabilities, they will need to use the stairs and handrails. I don't know if the extension will go into the sidewalk. It could be a variance. Or a replacement of these handrails to be more usable.

WW - Gripability.

JD - This where the public will come in.

WW – How big is the lot?

Dora - A small back yard. Small lot.

PM - Feedback on wording we don't consider the work handicapped, persons with disabilities, use the blue symbol showing

JD - Is it in the park area?

Dora - Yes a federal national park.

Dora – It is the oldest street in New Bedford.

JD - I am assuming it is your work?

Dora – Only my work. My gallery.

HR - After learning of the five times per month use as well as the assistance provided my thinking we should grant, impracticable.

HR motioned grant relief from the following sections 25.1, 25.2, 26.5, 26.6, 26.11.3 on the conditions that edits are made to the language on the sign along with and accommodation policy for the viewing of the artwork as proposed in the 8/21/18 letter with language on the sign and with the finalized webpage information and accessibility symbol and wording of signage sent to the board for approval. AB seconded passed unanimously, passed unanimously.

PM motioned to grant on 27.4.1, 27.5.4, 27.4.3b on the condition of providing information on a handrail design compliant width. HR seconded, passed unanimously.

Prototype of web page, prototype of handrails. Historic Commission then to us.

Dora - Can I do something in wood. Stainless steel might be a tough sell.

For additional assistance, symbol for additional assistance please see website or call. ISA

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Hearing

Apartment Building, 141 Sea Street, Quincy, C17-060 – Complaint Hearing

Exhibit #1 Hearing Package AAB 1 - 50

James Joyce – ThyssenKrupp Elevator (JJ)

Gregg Jenner, Simon Company (GJ)

Thomas McKenzie – ThyssenKrupp Elevator (TM)

Aaron Markovitz, building tenant (AM)

William Joyce – AAB Compliance Officer (WJ)

The parties were sworn in by the Chair.

WJ - Gave overview, received 10/17. Elevators not kept in operating condition. Received notice that elevators were fixed. We closed the complaint. In May received news the elevator was not working. The complaint was reopened. The Quincy building department went out to check, the controls were not working on the 5th floor,

AM – The buttons are repaired and a day or two later they are not working. I went to get the mail in the second floor, went to go back in it wouldn't go up or down. They work sporadically. We have people in the building who are disabled and they have had to walk up flights.

WJ – wasn't until I called the Building Inspector and found out it isn't working. Inconsistency I can't rely on communication from the building owner. The underlying problem is it an old elevator.

GJ – I apologize for communication issue. It works but there is an issue with the button. In November when I received the letter we replaced with Thyssen elevator. We made changes. Then received the letter the elevator is not working again. We have replaced all buttons last week of July – first week of August. This should be the end of that problem. Thyssen will modernize the elevator next year with renovations to the property. On June 11 I received information from Thyssen that it was fixed. I told Mr. Joyce. My staffs rides the elevator every day.

JJ – we have GPS timed tickets we can provide, pictures of the modernization we did. It is a comprehensive plan.

WW- what do you think caused it.

JJ – the elevator is 16 years old,

WW – What will the modernization do?

JJ – machines, ropes, controller, buttons on every floor, full modernization package. Rails, cab and sling are retained.

GJ – trying to work through that it takes quite a while to fix. We will figure something out.

HR - What is confidence level that there will not be any faults?

GJ – We have had issues, knowing that staff rides it every day we will find out if it is broken.

AB – Has there been problems since put in new buttons.

GJ – No

AM – I showed him a picture of the button and the up is sideways.

GJ – august 8 the new buttons were installed.

AB - A few years the building next-door there was a lady in the penthouse and needed an ambulance and the elevator was out. She passed away on her way to the hospital.

JW - The elevator buttons were replaced two weeks ago. It is a very old elevator.

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AM – This is important.

PM - Would you consider a service with an elevator company.

GJ - We entered in to a full service with Thyssen Krupp. We have it in place.

JJ - Before 200 p.m. we are there the same day.

GJ – We pay overtime to allow them to come out.

RG motioned to find in favor of the complainant. HR seconded, passed unanimously.

WJ- Modernization will help but we need to get a firm commitment.

GJ - I can assure you we will not be here again. I am happy to come back and update the board.

WW – Can we get a timeline from the owner?

GJ – Yes

HR – I am concerned from now until it is done. If Mr. Markowitz comes back with a compliant I will motion for a fine hearing.

PM Motioned for a project schedule on the elevator upgrades and quarterly updates to the Board starting December 1, 2018 and a copy of the service contract and service records, and a copy of the modernization contract. HR seconded, passed unanimously

21) Mixed use 323-325 Watertown Street, Newton, V18-267

Building inspector is holding it up until we approve the signage.

PM motioned to grant. HR seconded, passed unanimously.

22) 11 Story Mixed-use, 18 Tremont Street, Boston, V18-242

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Only other option would be an incline lift. Info on website telling where accessible entrance is.

HR motioned to grant with the condition that information is on the website telling the location of the accessible entrance and posted in appropriate locations. PM seconded, passed unanimously.

23) Daycare Center, 172 Burrill Street, Swampscott, V09-086

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The petitioner sent the Board the requested updated accommodation policy.

*HR motioned to accept the updated accommodation policy.
PM seconded. RG abstained. Motion passed*

24) Jenkins Elementary, 54 Vinal Avenue, Scituate, C15-148, V16-123

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Bill Shine reached out to the Board. Fine Hearing is necessary. Haven't had a conversation with the school department.

The town has been fixing other items.

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Would like to hear from the school department first. Ask the staff to contact the school dept.

HR motioned to continue for the staff to get in touch with the attorney for Jenkins Elementary, if they are unresponsive, a fine hearing will be scheduled. PM seconded, JD recused himself.

Hearing –

4 Story Mixed-use, 632-638 Centre Street, Jamaica Plain, V18-164

Exhibit #1 Hearing Package AAB 1-30

Nalin Minstry, Minstry Assoc., Inc. President/ Project Engineer (NM)

The party was sworn in by the Chair.

I am here since applying for appeal, there have been some design changes. Going to mayor's office and community to see what can be done. I called this morning to continue this hearing. At the owners request I would like to have a continuance of the hearing until finalize the project. If we are able to get the full story talking about not having the deck on the room not requiring the elevator to the roof.

Have to go to the BRA. And then come back to you.

We had a three story approved the owner decided to add one story. There were some glitches. We are not putting a design and everything will comply. For me to get the approval and the four story is not built.....

*PM motioned to continue until plaintiff notifies the Board that the redesigned project is finalized and also notifies the Board if the project complies with 521 CMR or if variances are needed.
HR seconded, passed unanimously.*

25) Jenkins Elementary, 54 Vinal Avenue, Scituate, C15-148, V16-123

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

This is the pathway in the back. Failure to install compliant handrails. Reconstructed the pathway. Handrails break at landings.

*PM motioned to continue for the staff to get in touch with the attorney for Jenkins elementary, and notify them of the non-compliant handrails.
HR. seconded, JD recused himself. Motion passed.*

26) Restaurant (conversion from former church) 140 Main Street, North Easton, V16-091

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Seeking relief from providing clearance at the urinal.

PM motioned to grant. HR seconded, passed unanimously.

27) Advisory Opinion - Door Swings, men's and women's restroom, Framingham, V18-008

August 27, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

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Mark Hughes, Framingham ISD

Can door swings interrupt each other? Do clearance requirements require door not be interfered by other doors?

Is this a violation?

They have the floor clearance.

PM motioned to find that this condition is not in violation of 521 CMR 26.6.3.

RG seconded, passed unanimously.

28) Advisory Opinion

Vertical Access, DCR Project, Revere Beach Boulevard, Revere, V18-007

Robert Carasitti, Building, Fire & Access, Inc. 28.1

Is a route required between two levels of the building? DCR garage facility.

To go to the conference room you would have to leave the building and go around.

Do they need internal vertical access between the floors?

HR Motioned that a variance would be required.

PM seconded, passed unanimously.

29) Boston Spanish SDA Church at Uphams Corner, 50 Stoughton St., Dorchester, V18-252

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Roof issue, seeking no access, petitioner offered to do an entrance in a couple of years.

PM motioned to schedule a hearing. RG seconded passed unanimously.

30) Jefferson Hills, 1610 Worcester Road, V17-337

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The board received information that the petitioner will remove the stairs between clubhouse and pools. This moots the previous order.

HR motioned to accept the correspondence from the petitioner dated August 13, 2018 and received by the board on August 16, 2018, regarding removing the stairs from the patio to the top sun deck. PM seconded, passed unanimously.

Vote – Minutes from July 30, 2018 meeting

HR motioned to accept the minutes from the July 30, 2018 meeting. PM seconded, passed unanimously.

Vote – Minutes from August 13, 2018 meeting

*HR motioned to accept the minutes from the August 13, 2018 meeting.
PM seconded, passed unanimously.*

August 27, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Matters not reasonably anticipated 48 hours in advance of meeting.

Adjourn 5:00 p.m.

Exhibits

The Squealing Pig, 335 Commercial Street, Provincetown, V18-259
Exhibit – Variance Application and associated documents

East Brookfield District Court, 544 East Main Street, East Brookfield, V18-260
Exhibit – Variance Application and associated documents

Matheson Property, 37, 45, 49 Wellington St, 87, 91 Murray Ave., 720 Main St, V18-261
Exhibit – Variance Application and associated documents

Service Road, Service Road and Mill Road, Sandwich, V18-262
Exhibit – Variance Application and associated documents

Harbor Hill complex, 3, 4 & 8 Harbor Hill Rd, 37 Bradford Street Ext. Rd, Provincetown, V18-263
Exhibit – Variance Application and associated documents

Sidewalk, 150-152 State Street, Boston, V18-264
Exhibit – Variance Application and associated documents

Four Stories, 133 Marlborough Street, Boston, V18-265
Exhibit – Variance Application and associated documents

Kennedy Middle School, 165 Mill Street, Natick, V18-266
Exhibit – Variance Application and associated documents

Mixed-use, 438 Waverly Street, Framingham, V18-268
Exhibit – Variance Application and associated documents

Case House, 89 Wellesley Street, Weston, V18-269
Exhibit – Variance Application and associated documents

Lost Shoe Brewing, 19 Weed Street, Marlborough, V18-270
Exhibit – Variance Application and associated documents

Douglas Park, 150 Camden Street, Boston, V18-271
Exhibit – Variance Application and associated documents

Mass State Lottery Commission, 150 Mt. Vernon St, Suites 150 & 300, Boston, V18-272
Exhibit – Variance Application and associated documents

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Evolve Fitness, 11 California Avenue, Framingham, V18-273
Exhibit – Variance Application and associated documents

Brattle Hall, 40 Brattle Street, Cambridge, V18-274
Exhibit – Variance Application and associated documents

Barber Shop, 140A Lowell Street, Methuen, V18-275
Exhibit – Variance Application and associated documents

Falmouth High School Athletic Field Complex, 874 Gifford Street, Falmouth, V18-276
Exhibit – Variance Application and associated documents

Waldo Homes, 25, 31 Orlando St, 91, 93, 95, 97, 99, 101 Waldeck St, Boston, V18-277
Exhibit – Variance Application and associated documents

Daycare Center, 172 Burrill Street, Swampscott, V09-086
Exhibit – Variance Application and associated documents

Jenkins Elementary, 54 Vinal Avenue, Scituate, C15-138
Exhibit – Variance Application and associated documents

Jenkins Elementary, 54 Vinal Avenue, Scituate, C15-148, V16-123
Exhibit – Variance Application and associated documents

Restaurant (conversion from former church) 140 Main Street, North Easton, V16-091
Exhibit – Variance Application and associated documents

Jefferson Hills, 1610 Worcester Road, V17-337
Exhibit – Variance Application and associated documents, amendment

11 Story Mixed-use, 18 Tremont Street, Boston, V18-242
Exhibit – Variance Application and associated documents

Boston Spanish SDA Church at Uphams Corner, 50 Stoughton St., Dorchester, V18-252
Exhibit – Variance Application and associated documents

Corpus Christi, St. Bernard Parish, 1522 Washington Street, West Newton, V18-246
Exhibit – Variance Application and associated documents

Vertical Access, DCR Project, Revere Beach Boulevard, Revere, V18-007
Robert Carasitti, Building, Fire & Access, Inc.

Door Swings, men's and women's restroom, Framingham, V18-008
Mark Hughes, Framingham ISD

Waverly Commuter Rail Station, 525 Trapelo Road, Belmont, C12-033, V13-076
Exhibit #1 Hearing Package AAB 1- 23

August 27, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.
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Exhibit #2 Belmont Citizen article
Exhibit #3 MBTA PowerPoint Package

The Caleb Spooner House, 22 Centre Street, New Bedford, V18-102
Exhibit #1 Hearing Package AAB 1-65
Exhibit #2 – Wording on sign, page on website, examples of work
Exhibit #3 – Letter from Mass Historic

4 Story Mixed-use, 632-638 Centre Street, Jamaica Plain, V18-164
Exhibit #1 Hearing Package AAB 1-30

Apartment Building, 141 Sea Street, Quincy, C17-060
Exhibit #1 Hearing Package AAB 1 - 50

Matters not reasonably anticipated 48 hours in advance of meeting.

Adjourn 5:00 p.m.